

CHAPTER 58-02-08 PARK USE RULES

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58-02-08-01. Authority. These state park use rules apply to all those areas which are under the control of or operated by the North Dakota parks and recreation department. The authority to make and enforce these rules is granted pursuant to North Dakota Century Code sections 55-08-01.3 and 55-08-05.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-05

58-02-08-02. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Camping unit" means any vehicle or shelter specifically used for sleeping in or upon a portion of state land or water designated as a campsite.
2. "Campsite" means any area so designated by the department for the express purpose of camping. A campsite will normally include the following items: parking pad, picnic table, and fireplace.
3. "Department" means the North Dakota parks and recreation department.
4. "Director" means the director of the North Dakota parks and recreation department.
5. "Occupied campsite" means a campsite where a valid camping permit is affixed to the campsite marker and a camping unit is onsite. If a camping unit is not onsite, a campsite is not occupied unless specific permission for leaving the campsite has been given by park personnel.
6. "Off-highway vehicle" means that term as defined by North Dakota Century Code section 39-29-01.
7. "Park manager" means the individual responsible for the administration of a state park.
8. "Snowmobile" means that term as defined in North Dakota Century Code section 39-24-01.
9. "State park" or "park" includes and embraces all land and water managed by the North Dakota parks and recreation department.
10. "Swimming area" means an area, marked by buoys, ropes, floats, or other United States coast guard-approved devices, in which swimming is allowed and the adjacent designated land area.
11. "Trail" means any path managed by the North Dakota parks and recreation department for motorized or nonmotorized recreational activities.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996; April 1, 2006.

General Authority: NDCC 55-08-01.3

Law Implemented: NDCC 55-08-01.3

58-02-08-03. Rules enforcement policy. All rules of the department will be enforced within the state park boundaries. Individuals violating these rules will

receive a verbal or written warning, an administrative complaint, a civil summons and complaint, a criminal complaint and warrant or summons, or loss of park privileges.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-04.1, 55-08-16, 55-08-17

58-02-08-04. Public behavior. The hours between one-half hour after sunset and seven a.m. are designated as quiet hours.

History: Effective September 1, 1987.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-05

58-02-08-05. Limitation of cabin, dormitory, or campsite occupancy.

1. A person or group of persons may not occupy any cabin, dormitory, or campsite for more than fourteen days within any thirty-day period without the written permission of the park manager.
2. Overnight visitors must comply with date and time expirations listed on their vehicle permit. Additional vehicles at a cabin or campsite will be charged the day use fee for each day in the park.
3. Only one camping unit with a maximum of six persons or the immediate family members shall be permitted on each designated single campsite except with the permission of the park manager.
4. Children under the age of eighteen must be accompanied by an adult in order to occupy a campsite or cabin in a state park, unless written permission is granted by the park manager.
5. No camping unit may be left unattended for more than twenty-four hours without written permission from the park manager.

History: Effective September 1, 1987; amended effective October 1, 1988; April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-06. Camping and camping equipment.

1. A person may not camp in an area not designated as a campsite.
2. No person may take or attempt to take possession of a campsite when it is an occupied campsite, or when informed by park personnel that such site is an occupied campsite, or when the site is posted with a "Reserved" sign.

3. All nonreserved campsites are available on a first-come, first-served basis. Campers must immediately establish an occupied campsite following purchase of a camping permit.
4. All camping sites are restricted to one camping unit per campsite unless designated as a multiple or group site.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-07. Park roads, trails, and vehicle use.

1. Unless otherwise specified, in statute or rule, the use of motor vehicles in state parks, including automobiles, trucks, off-highway vehicles, motorcycles, snowmobiles, motorized scooters, and minibikes, is governed under North Dakota Century Code title 39.
2. All traffic control devices posted within the park, including those located at entrance stations, must be obeyed.
3. No person may operate a vehicle at speeds exceeding the posted speed limit, or at a speed greater than is reasonable and prudent for the conditions.
4. No person shall operate any motorized or nonmotorized vehicle beyond the roads and trails built and maintained for the operation of that specific vehicle.
5. Unless specifically designated, off-highway vehicles are not permitted within state parks or on state snowmobile trails.
6. No person may use a trail that has been closed for public use by department personnel.
7. No person may park any vehicle, camper, or trailer in any area not specifically designated for parking.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-08. Sanitation. No person may dispose of any refuse, sewage, waste, or wastewater except in places or receptacles provided for disposal. Fish

and game cleaning is allowed only in designated areas of the park. It is unlawful to place refuse generated outside the state park into receptacles.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-09. Animals.

1. Animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or a leash not exceeding six feet [1.83 meters] in length.
2. No person may keep a noisy, vicious, or dangerous dog or other animal, or one which is disturbing to other persons, in a state park.
3. Pet waste must be bagged and disposed of in an appropriate waste container.
4. Animals are not allowed on any designated swimming areas, playgrounds, in buildings, or other posted areas in a state park, except for animals used to assist the disabled.
5. No person may bring saddle or pack animals onto a site which has not been developed and maintained to accommodate saddle or pack animals. Only certified weed-free hay and feed are allowed in state parks.
6. No person may tie or hitch any animal to a tree or plant.
7. Horse waste and hay must be removed daily from all areas except designated horse trails.

History: Effective September 1, 1987; amended effective February 1, 1996; April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-10. Destruction of property.

1. No person may destroy, deface, or remove, in any manner, any native, wild, or domesticated tree, shrub, fruit, plant, wildflower, or animal.

2. No person may destroy, deface, or remove, or disturb, in any manner, any real, personal, or public property, including geological formations or features, historical and cultural artifacts.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-11. Building fires.

1. No person may build a fire outside of stoves, grills, fireplaces, or other places provided for building a fire.
2. All fires must be attended by a person eighteen years of age or older at all times.
3. Upon abandonment of the fire, it must be completely extinguished.
4. Use of open fires may be prohibited based on the current North Dakota rangeland fire danger statement.
5. All firewood must be sized to fit the fire rings provided.
6. Collection or cutting of wood is prohibited in a state park without a special permit.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-12. Firearms, bows and arrows, slingshots, BB guns, and fireworks.

1. No person, with the exception of a duly authorized peace officer, may possess a firearm or dangerous weapon in a state park unless it is contained in a gun case and unloaded both in barrel and magazine.
2. No person may discharge or set off within a state park any firearm, bow and arrow, slingshot, BB gun, self-propelled rocket, any form of fireworks, or other projectile, unless authorized by the director.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-13. Fees and permits.

1. No person may evade or attempt to evade any fee or other charge that may be levied for admission to or use of any state park or facility contained therein.
2. When no park staff is on duty at the entrance station, park visitors must use the department's self-registration system.
3. While in the park, visitors must have their daily entrance permits or annual entrance permits affixed to the lower left-hand corner of their vehicle or camping unit windshield to be considered validly registered for admission.
4. Camping permits must be placed on the campsite marker specifically provided for that purpose. If no campsite marker is provided, the permit must be conspicuously displayed on the camping unit or on a vehicle parked on the campsite.
5. The annual entrance permit may only be used on vehicles registered to the owner of the permit and listed on the department's annual vehicle permit log.
6. Daily vehicle permits used for day use activity expire one-half hour after sunset on the day of purchase.

History: Effective September 1, 1987; amended effective July 1, 1992; April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05, 55-08-06

58-02-08-14. Closed areas and closing hours.

1. No person may enter or use a campsite or other area which is closed to public use.
2. No person may be admitted or allowed to remain in any state park after the designated closing hour except for the purpose of camping, dormitory, and cabin rentals, unless the person has written permission from the park manager.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-15. Hunting and harassing wildlife. No person may hunt, trap, pursue, catch, or kill any wild bird or wild animal in a state park unless specifically allowed by regulation or proclamation.

History: Effective September 1, 1987.

General Authority: NDCC 55-08-01.3

Law Implemented: NDCC 55-08-01.3, 55-08-04

58-02-08-16. Metal detectors. No person may use any device for the purpose of locating or removing any metallic object or any other objects of value from a state park. Exceptions may be made by the director for approved archaeological surveys or law enforcement personnel. Use of a metal detector to find a lost item may be allowed under the direct supervision of park staff.

History: Effective September 1, 1987; amended effective April 1, 2006.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-17. Advertising, special events, and authorized concession operations.

1. No person may erect, post, or hand out any sign, notice, or literature, unless prior authorization is obtained from the park manager.
2. No organization or group may hold any event that charges an admission or registration on lands owned or leased by the department without prior written permission from the director.
3. No person, firm, or corporation may operate any concessions, business, enterprise, or sell personal property in a state park without prior written permission from the director.

History: Effective September 1, 1987.

General Authority: NDCC 55-08-01.3, 55-08-05

Law Implemented: NDCC 55-08-01.3, 55-08-04, 55-08-05

58-02-08-18. Swimming areas, boat ramps, and marinas.

1. No person may swim at a state park, except within designated swimming areas.
2. It is unlawful in a state park designated swimming area:
 - a. To possess glass containers.
 - b. To use the beach or designated swimming area between one-half hour after sunset and seven a.m.
 - c. To enter with any boat, canoe, or raft.

- d. To fish.
 - e. To engage in any hazardous activity which could cause injury to others.
 - f. To use any soap, detergent, or shampoo.
 - g. To change clothes except in structures that may be provided by the park for that purpose.
- 3. Swimming is not allowed in state parks by children under the age of twelve years, unless they are supervised by a person eighteen years of age or older.
 - 4. No person may give or transmit a false signal or alarm of drowning.
 - 5. Any person swimming in a state park or recreation swimming area under the control of or operated by the department shall do so at the person's own risk.
 - 6. Any person using any designated beach, designated swimming area, boat ramp, or marina shall obey all posted rules and instructions given by lifeguards, rangers, or other state park employees.
 - 7. All watercraft operating in state park marinas or near boat ramps must be restricted to idle speed.

History: Effective September 1, 1987; amended effective July 1, 1992; February 1, 1996; April 1, 2006.

General Authority: NDCC 55-08-01.3

Law Implemented: NDCC 55-08-01.3, 55-08-04

58-02-08-19. Operation of a snowmobile or off-highway vehicle within right of way of a road, street, or highway within a state park or on trails maintained by the director of parks and recreation which cross or run parallel to roads, streets, or highways. When a snowmobile or off-highway vehicle operated within a state park or on a trail maintained by the director of parks and recreation is making a direct crossing of a street or highway as allowed by North Dakota Century Code section 39-24-09 or 39-29-09, respectively, or is operated upon the roadway, shoulder, or inside bank or slope of any road, street, or highway under those emergency circumstances allowed by North Dakota Century Code chapter 39-24 or 39-29, or is otherwise operated within the right of way of any road, street, or highway, the rules and laws adopted or applied by the director of the department of transportation defining the operation of a vehicle in a negligent, reckless, or hazardous manner shall be applied to snowmobiles operating within the right of way of any such road, street, or highway. In all other cases, the rules and laws adopted or applied by the director of the department of transportation

defining the operation of a vehicle in a negligent, reckless, or hazardous manner shall be used as an aid to interpreting and applying these rules.

History: Effective February 1, 1998; amended effective April 1, 2006.

General Authority: NDCC 28-32-01, 39-24-08(3), 39-24.1-06, 55-08-01.3

Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-20. Negligent operation of a snowmobile or off-highway vehicle - Definition. A snowmobile or off-highway vehicle is operated in a negligent manner when it is operated at a speed greater than is reasonable or proper under all the surrounding circumstances, when it is operated with want of ordinary care and diligence under all the surrounding circumstances, or when it is operated in a way that is not reasonable or prudent under the conditions or without regard to the actual or potential hazards then existing.

History: Effective February 1, 1998; amended effective April 1, 2006.

General Authority: NDCC 28-32-01, 39-24-08(3), 39-24.1-06, 55-08-01.3

Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-21. Reckless operation of a snowmobile or off-highway vehicle - Definition. A snowmobile or off-highway vehicle is operated in a reckless manner when it is operated recklessly in disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

History: Effective February 1, 1998; amended effective April 1, 2006.

General Authority: NDCC 28-32-01, 39-24-08(3), 39-24.1-06, 55-08-01.3

Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-22. Hazardous operation of a snowmobile or off-highway vehicle - Definition. A snowmobile or off-highway vehicle is operated in a hazardous manner when it is operated in a way that is likely to expose any person to danger or risk or that involves undue risk of loss to any person or property in light of the actual or potential hazards then existing.

History: Effective February 1, 1998; amended effective April 1, 2006.

General Authority: NDCC 28-32-01, 39-24-08(3), 39-24.1-06, 55-08-01.3

Law Implemented: NDCC 39-24-08(3), 55-08-01.3

58-02-08-23. Authority. The director of the parks and recreation department adopts sections 58-02-08-19 through 58-02-08-23 to regulate the use of snowmobiles and off-highway vehicles in state parks; on trails maintained, leased, or owned by the state parks and recreation department; or on other land owned, leased, or otherwise administered by the director, for the protection and

care of all persons and property owners affected by that use. Penalties for violating sections 58-02-08-19 through 58-02-08-23 shall be as otherwise provided by law.

History: Effective February 1, 1998; amended effective April 1, 2006.

General Authority: NDCC 28-32-01, 39-24-08(3), 39-24.1-06, 55-08-01.3

Law Implemented: NDCC 39-24-08(3), 55-08-01.3